

Smith and Nakamura, et al. The Examiner provisionally rejected claims 9-16 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11-18 of co-pending application no. 09/083,943 (now U.S. Patent No. 6,428,738) in view of Smith and Nakamura, et al. The Examiner provisionally rejected claims 17 and 18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 19-20 of co-pending application no. 09/083,943 (now U.S. Patent No. 6,428,738) in view of Smith. The Examiner rejected claims 1-7 under 35 U.S.C. § 103 as being unpatentable over the U.S. Patent to Preisler, et al. 6,082,762 in view of the U.S. Patent to Smith and Nakamura, et al. The Examiner rejected claim 8 under 35 U.S.C. § 103 as being unpatentable over Preisler, et al. in view of Smith and Nakamura, et al. The Examiner rejected claims 9-16 under 35 U.S.C. § 103 as being unpatentable over Preisler, et al. in view of Smith and Nakamura, et al. The Examiner rejected claims 17 and 18 under 35 U.S.C. § 103 as being unpatentable over Preisler, et al. in view of Smith and Nakamura, et al.

In view of the above, Applicants' attorney hereby affirms the prior election of claims 1-18 to be examined at this time.

Also, in view of the above rejections, Applicants' attorney submits herewith two Terminal Disclaimers, one with respect to U.S. Patent No. 6,428,738 and the other with respect to U.S. Patent No. 6,082,762, both of which are owned by Patent Holding Company, the Assignee of this application.

U.S. Patent No. 6,082,762 issued from a continuation-in-part application of application No. 09/083,943, upon which the present application claim priority and, consequently, the Preisler, et al. patent is not prior art to the present application. While the Preisler, et al. patent does not indicate on its face that it is assigned to Patent Holding Company, Assignee of the present application, this patent is in fact assigned to the Assignee of the present application by virtue of the Assignment recorded on August 2, 2000 at Reel 011007 and Frame 0337, copy of which is enclosed herewith for the Examiner's convenience.

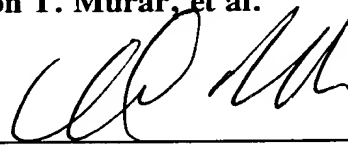
This Assignment not only covers the present application but each of the above-noted patents which are the subject of the Terminal Disclaimers.

Consequently in view of the above and in the absence of better art, Applicants' attorney respectfully submits the application is in condition for allowance which allowance is respectfully requested.

Respectfully submitted,

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By



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